

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT W. JOHNSON,

Plaintiff,

v.

No. 1:23-cv-00723-KWR-LF

DONALD J. TRUMP, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff, who is proceeding *pro se*, asserts claims against Donald J. Trump, Rudy Giuliani, Vladimir Putin, Facebook, Meta, Twitter and others stating: “All defendants committed identity theft, fraud, U.S. Constitutional violations, RICO acts and due process violations against [Plaintiff].” Complaint at 2-3, Doc. 1, filed August 28, 2023. There are no other factual allegations in the Complaint.

United States Magistrate Judge Laura Fashing notified Plaintiff:

The Complaint fails to state a claim upon which relief can be granted. Although the Complaint contains the conclusory allegation that Defendants committed various vague acts, “conclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based.” *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). “[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.” *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007). The Complaint does not explain what each Defendant did to Plaintiff and when they did it.

This case can be dismissed because the Complaint fails to state a claim over which the Court has jurisdiction.

Order at 1-2, Doc. 4, filed August 30, 2023. Judge Fashing ordered Plaintiff to file an amended complaint and notified Plaintiff that failure to timely file an amended complaint may result in

dismissal of this case. See Order at 2. Plaintiff did not file an amended complaint by the September 21, 2023, deadline.

The Court dismisses this case without prejudice because: (i) the Complaint fails to state a claim upon which relief can be granted; and (ii) Plaintiff did not file an amended complaint as ordered by Judge Fashing. The Court denies the pending motions in this case as moot because the Court is dismissing this case.

IT IS ORDERED that:

- (i) This case is **DISMISSED without prejudice**.
- (ii) The Court **DENIES as moot** the following motions:
 - (a) Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form), Doc. 2, filed August 28, 2023.
 - (b) Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), Doc. 5, filed September 11, 2023.
 - (c) Plaintiff's Motion for Default Judgment, Doc. 6, filed September 11, 2023.
 - (d) Plaintiff's Motion to Admit Counsel for Plaintiff and Pro Se Corporation Violations Against Robert W. Johnson, Doc. 7, filed September 21, 2023.


UNITED STATES DISTRICT JUDGE